

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5431 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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JEEVAN COMMERCIAL COOPERATIVE BANK LTD.

Versus

TRAINING-CUM-PLACEMENT OFFICER&ASST.APPRECTICESHIP ADVISOR

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Appearance:

MR NANDISH CHUDGAR for Petitioner

None present for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/03/97

ORAL JUDGEMENT

1. This matter was ordered to be heard with Special Civil Application No.5288/83. The Special Civil Application No.5288/83 has already been decided by this Court on 21st September, 1994. The counsel for the petitioner submits that the direction which has been given in the said petition may also be given in this petition and it may be disposed of on the same terms as Special Civil Application No.5288/83 has been disposed

of.

2. Challenge is made by the petitioner, Co-operative Society, in this Special Civil application to the notification dated 15th June, 1983 and notice dated 5th October, 1983. Under the notification, the provisions of the Apprentices Act, 1961 were extended to the Co-operative Societies carrying on Banking business. The second notice is in the form of direction to the petitioner calling upon the petitioner to engage apprentices. In the Special Civil Application No.5288/83, the challenge was made to the same notification by the Co-operative Bank. There the respondent No.3 was the State Apprenticeship Advisor & Director of employment and Training Department. The order of this Court reads as under:

After having examined the facts and circumstances and the record of the present petition, it appears that the respondent-authorities have not considered all the grounds raised by the petitioner before passing the impugned order and also before directing the petitioner to comply with the provisions of the Apprentices Act, 1961. Therefore, it would be expedient to direct respondent No.3 to consider all the ground agitated by the petitioner to show that the petitioner is not falling within 'banking' definition and also under the expression 'industry'. A copy of this petition therefore, shall be sent to the respondent No.3 who will treat it as a representation from the petitioner and will decide the representation after hearing the petitioner in accordance with law and thereafter take a decision. A copy of this petition along with the entire set will be sent by the petitioner on or before 1st October, 1994. Respondent no.3 is directed to dispose of the representation on or before 31st December, 1994.

Interim relief granted by this court on 27-10-1983 shall remain operative until the representation is disposed of by respondent No.3. In case, the decision of respondent No.3 is adverse to the petitioner, the said decision shall not be implemented for a spell of two weeks from the date of such decision.

In view of the aforesaid directions, this petition stands disposed of with no order as to

costs. Rule is discharged.

3. The petitioner in this Special Civil Application has not impleaded the State Apprenticeship Advisor & Director of Employment and Training Department as party, and as such, that direction cannot be given behind the back of this authority. However, it would be expedient to dispose of this petition by giving direction to the petitioner to file a representation in the matter before the State Apprenticeship Advisor & Director of Employment and Training Department within a period of one month from today and in case, such a representation is filed, it is expected of the State Apprenticeship Advisor & Director of Employment and Training Department to decide the same after giving an opportunity of hearing to the petitioner in accordance with law within reasonable period say within three months from the date of receipt of representation from the petitioner. The interim relief granted by this Court on 11-11-1983 shall remain operative until the representation filed by the petitioner is decided by the said authority. In case the decision of the said authority is adverse to the petitioner, then a copy of the same may be sent to the petitioner by registered post. This Special Civil Application stands disposed of in the aforesaid terms and directions. Rule stands disposed of accordingly with no order as to costs.

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